

### **Remarks**

Claims 1-30 are pending in this application. In an Office Action dated April 8, 2004, the Examiner rejected claims 1-4, 7, 8, 10-19, 22, 23, 25-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,742,905 to Pepe *et al.* (hereafter, Pepe). The Examiner rejected claims 5, 6, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Pepe in view of U.S. Patent No. 5,604,788 to Tett (hereinafter, Tett). The Examiner rejected claims 9 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Pepe in view of U.S. Patent No. 6,556,826 to Johnson *et al.* (hereinafter, Johnson). Applicants respectfully disagree with the Examiner's rejections and request reconsideration in light of the following remarks.

Claim 1 provides a system for delivering information to at least one subscriber. The system includes a subscriber data storage element and a wireless receiver in communication with the data storage element. A wireless distribution system is in wireless communication with each receiver/transceiver. A data delivery server contains information to be delivered to the wireless receiver. An internetworking function element receives the information and to delivers the information *based on a determined delivery event to reduce the impact of information delivery on the wireless distribution system.*

The Examiner asserts that Applicants' claim 1 is taught by Pepe, referring to Pepe's Figure 3. However, the Examiner can identify no element of Pepe's Figure 3 which corresponds to Applicants' internetworking function element. The Examiner merely points to a one paragraph summary of Pepe's invention at column 3, lines 46-54, reproduced as follows:

These objects are obtained by a personal communications internetwork providing a network subscriber with the ability to remotely control the receipt and delivery of wireless and wireline voice and text messages. The network operates as an interface between various wireless and wireline networks, and also performs media translation, where necessary. The subscriber's message receipt and delivery options are maintained in a database which the subscriber may access by wireless or wireline communications to update the options programmed in the database. The subscriber may be provided with CallCommand service which provides real-time control of voice calls while using a wireless data terminal or PDA.

There is no teaching of an internetworking function element which receives information from a data delivery server and delivers the information based on a determined delivery event so as

to reduce the impact of information delivery on the wireless distribution system. There is no suggestion of a determined delivery event or even any recognition of a need to deliver data at a time when impact on the wireless network is minimized.

Pepe, as described by the Examiner, does not teach or suggest Applicants' internetworking function element. Claim 1 is therefore patentable over Pepe. Claims 2-17, which depend from claim 1, are therefore also patentable over Pepe.

Claim 10 provides that the delivery event is based on measured parameters in the wireless distribution system. The Examiner provides as his justification that the "user can change the parameters based on wireless and wireline network performance, which is in part related to time of day or day of week parameters." This has nothing to do with *measured parameters in the wireless distribution system*.

Independent claim 18 provides a method for delivering information to a wireless receiver/transceiver. Information for deliver is received. A time to deliver the information is determined *based on reducing the impact of information delivery on a wireless distribution system* in communication with the wireless receiver/transceiver. The information is delivered to the wireless distribution system and is wirelessly transmitted to the receiver/transceiver.

The Examiner rejected claim 18 "for similar reasons as stated above." As described above, Pepe neither teaches nor fairly suggests determining when to deliver information so as to reduce the impact of information delivery on the wireless network. Claim 18 is therefore patentable over Pepe. Claims 19-30, which depend from claim 18, are also patentable over Pepe.

Applicants note that an Information Disclosure Statement was filed together with this application on January 26, 2001. However, an initialed copy of form SB/08A was not included with the Office Action. Applicants request that the Examiner forward an initialed copy, indicating that this art was considered, with the next correspondence.

Claims 1-30, as originally filed, are pending in this application. Applicants believe these claims meet all substantive requirements for patentability and respectfully request that this case be passed to issuance. No fee is believed due by filing this paper. However, any

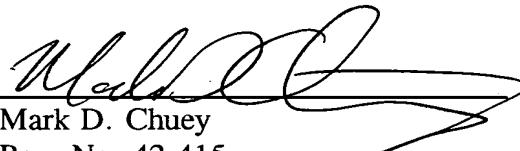
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fee due may be withdrawn from Deposit Account No. 21-0456 as specified in the Application Transmittal.

The Examiner is invited to contact the undersigned regarding any aspect of this case.

Respectfully submitted,  
**BRIAN L. AREND et al.**

By   
Mark D. Chuey  
Reg. No. 42,415  
Attorney/Agent for Applicant

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**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351